

EXHIBIT 4

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life)	
Term Parole Consideration)	CDC Number H-55090
Hearing of:)	
)	
SANTIAGO MONTENEGRO)	
_____)	

CORRECTIONAL TRAINING FACILITY

SOLEDAD, CALIFORNIA

AUGUST 16, 2006

PANEL PRESENT:

JAMES DAVIS, Presiding Commissioner
NOREEN BLONIEN, Deputy Commissioner

OTHERS PRESENT:

SANTIAGO MONTENEGRO, Inmate
PATRICK SPARKS, Attorney for Inmate
LYNN CUTLER, Prosecutor
JOSE ZAVALA, Spanish Interpreter
ED MARTINEZ, Commissioner/Observer
Two Correctional Officers, Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____	No	See Review of Hearing
_____	Yes	Transcript Memorandum

Don Larson -- Vine, McKinnon & Hall

INDEX

	<u>Page</u>
Proceedings.....	1
Case Factors.....	7
Pre-Commitment Factors.....	12
Post-Commitment Factors.....	17
Parole Plans.....	25
Closing Statements.....	30
Recess.....	32
Decision.....	33
Adjournment.....	36
Transcriber Certification.....	37

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

PRESIDING COMMISSIONER DAVIS: This is a Subsequent Parole Consideration Hearing for Santiago Montenegro, CDC number H-55090. And before we get started, we do have an interpreter with us today, so I will go ahead and swear you in, sir. Raise your right hand, do you solemnly swear to translate from English to Spanish and from Spanish to English to the best of your ability accurately?

INTERPRETER ZAVALA: I do.

PRESIDING COMMISSIONER DAVIS: Thank you. Today's date is August 16th, 2006. We're located at the Correctional Training Facility in Soledad. The inmate was received on November 6th, 1992, from Santa Barbara County, the life term beginning on January 23rd, 1993, with a minimum eligible parole date of January 24th, 2003. The controlling offense for which the inmate has been committed is murder second with a weapon, case number SN073860 -- 867, excuse me, better repeat that, SN073867 -- count 1, Penal Code Section 187 second slash 12022.5 paren (a). The inmate received a term of 15 years to life plus two. This hearing is being tape recorded, and for the purposes of voice identification, we will each state our first and last name, spelling the last name, and when it reaches you, Mr. Montenegro, if you also will give us your CDC number, please, sir. So I will start and move to my left, I'm James Davis,

1 D-A-V-I-S, Commissioner.

2 **DEPUTY COMMISSIONER BLONIEN:** I'm Noreen Blonien,
3 B-L-O-N-I-E-N. I'm a Deputy Commissioner.

4 **ATTORNEY CUTLER:** I'm Lynn Cutler, C-U-T-L-E-R. I'm
5 the prosecutor.

6 **ATTORNEY SPARKS:** Patrick Sparks, S-P-A-R-K-S,
7 attorney for Mr. Montenegro.

8 **INMATE MONTENEGRO:** Santiago Montenegro, S, S, S ...

9 **PRESIDING COMMISSIONER DAVIS:** Just your last name
10 for spelling.

11 **INMATE MONTENEGRO:** Montenegro, M-O-N-T-E-N-E-G-R-O,
12 H-5590 (verbatim).

13 **INTERPRETER ZAVALA:** Jose Zavala, Z-A-V-A-L-A,
14 Spanish interpreter.

15 **COMMISSIONER MARTINEZ:** Ed Martinez, M-A-R-T-I-N-E-Z
16 Commissioner/Observer.

17 **PRESIDING COMMISSIONER DAVIS:** We want the record
18 also to reflect we're joined by two correctional
19 officers here today, who will not be joining us, for
20 security purposes only, and will not be actively
21 participating in this hearing. Mr. Zavala, if you will
22 read this Americans with Disabilities Act statement,
23 please, in Spanish.

24 **INTERPRETER ZAVALA:** [ADA statement read in
25 Spanish.]

26 **PRESIDING COMMISSIONER DAVIS:** According to our
27 records, on February 14th, 2006, together with staff in

1 the institution, you reviewed and signed a BPT Form
2 1073, indicating that you do not have any disabilities
3 that would qualify under the Americans with Disabilities
4 Act; however, you do need a Spanish interpreter, which
5 of course, is why Mr. Zavala is here today. Has
6 anything changed since that time, sir?

7 **INMATE MONTENEGRO THROUGH INTERPRETER:** No.

8 **PRESIDING COMMISSIONER DAVIS:** All right, very well.
9 And did you have an interpreter with you when you
10 reviewed your C-File?

11 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

12 **PRESIDING COMMISSIONER DAVIS:** All right. And for
13 the psychological examination, which you took in 2002?

14 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

15 **PRESIDING COMMISSIONER DAVIS:** All right, very well.
16 You're able to hear us all right?

17 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

18 **PRESIDING COMMISSIONER DAVIS:** And you made it here
19 today under your own power? You're able to walk here?

20 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

21 **PRESIDING COMMISSIONER DAVIS:** All right. Is there
22 any reason that you can think of why you would not be
23 able to actively participate in this hearing today?

24 **INMATE MONTENEGRO THROUGH INTERPRETER:** Excuse me?

25 **PRESIDING COMMISSIONER DAVIS:** Is there any
26 reason -- anything that you can think of that would
27 preclude you from actively participating in this hearing

1 today?

2 **INMATE MONTENEGRO THROUGH INTERPRETER:** No.

3 **PRESIDING COMMISSIONER DAVIS:** All right, very well.

4 Counsel, you're satisfied with that as well?

5 **ATTORNEY SPARKS:** Yes.

6 **PRESIDING COMMISSIONER DAVIS:** All right. Thank
7 you. This hearing is being conducted pursuant to Penal
8 Code sections 3041 and 3042 and the rules and
9 regulations of the Board of Prison Terms governing
10 parole consideration hearings for life inmates. The
11 purpose of today's hearing is to once again consider the
12 number and nature of the crimes for which you were
13 committed, your prior criminal and social history, and
14 your behavior and programming since your commitment.
15 We've had the opportunity today to review your Central
16 File and your prior transcript, and you will be given
17 the opportunity to clarify the record as we proceed. We
18 will reach a decision today and inform you of whether or
19 not we find you suitable for parole and the reasons for
20 our decision. If you are found suitable for parole, the
21 length of your confinement will be explained to you.
22 Nothing that happens here today will change the findings
23 of the court. The Panel is not here to retry your case,
24 the Panel is here for the sole purpose of determining
25 your suitability for parole. Do you understand that,
26 sir?

27 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

1 **PRESIDING COMMISSIONER DAVIS:** Thank you. This
2 hearing will be conducted in basically two phases, first
3 I will discuss with you the crime for which you were
4 committed, as well as your prior criminal and social
5 history; and Commissioner Blonien will then discuss with
6 you your progress since your commitment, your
7 counselor's report, psychological evaluation, parole
8 plans, and any literature of support or opposition as
9 they may exist. Once that is concluded, the
10 prisoners -- the Commissioners, excuse me -- and the
11 District Attorney, and your attorney will have an
12 opportunity to ask you questions. Questions that come
13 from the District Attorney will be asked through the
14 Chair, and you will respond back to the Panel with your
15 response. Next, the District Attorney and then your
16 attorney will be given an opportunity to make a final
17 closing statement and then followed by your closing
18 statement. Your closing statement should focus on your
19 suitability for parole. The California Code of
20 Regulations states that regardless of time served, an
21 inmate shall be found unsuitable for and denied parole
22 if, in the judgment of the Panel, the inmate would pose
23 an unreasonable risk of danger to society if released
24 from prison. And now you have certain rights, those
25 rights include the right to a timely notice of this
26 hearing, the right to review your Central File, and the
27 right to present relevant documents. Counsel, are you

1 satisfied your client's rights have been met to date?

2 **ATTORNEY SPARKS:** Yes.

3 **PRESIDING COMMISSIONER DAVIS:** Thank you. You have
4 an additional right, and that is to be heard by an
5 impartial panel. Now you've heard your panel introduce
6 themselves this morning, is there any reason for you to
7 believe that we would not be impartial?

8 **INMATE MONTENEGRO THROUGH INTERPRETER:** (Inaudible).

9 **PRESIDING COMMISSIONER DAVIS:** Thank you. You will
10 receive a written copy of our tentative decision today.
11 That decision becomes effective in 120 days. A copy of
12 the decision and a copy of the transcript will be sent
13 to you. The Panel -- the Board -- has eliminated its
14 appeal process; if you disagree with anything in today's
15 hearing, you have the right to go directly to court with
16 your complaint. You are not required to admit your
17 offense or discuss your offense; however, once again,
18 the Panel does accept the findings of the court to be
19 true. Do you understand that, sir?

20 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

21 **PRESIDING COMMISSIONER DAVIS:** Okay. Commissioner,
22 are we going to be dealing with anything from a
23 confidential file today?

24 **DEPUTY COMMISSIONER BLONIEN:** There's no
25 confidential information.

26 **PRESIDING COMMISSIONER DAVIS:** All right. Then I'm
27 going to pass a checklist and documents to both counsel,

1 if you'll take a look at that to make sure we're all
2 operating off the same list of documents. The
3 prosecution, do you have those documents as well?

4 **ATTORNEY CUTLER:** Yes.

5 **PRESIDING COMMISSIONER DAVIS:** All right. Then
6 we'll mark that Exhibit 1. Counsel, anything additional
7 you would like us to consider today?

8 **ATTORNEY SPARKS:** No, thank you.

9 **PRESIDING COMMISSIONER DAVIS:** All right. Any
10 preliminary objections?

11 **ATTORNEY SPARKS:** No.

12 **PRESIDING COMMISSIONER DAVIS:** All right. Will your
13 client be speaking with us today?

14 **ATTORNEY SPARKS:** Yes, but he won't be talking about
15 the crime.

16 **PRESIDING COMMISSIONER DAVIS:** All right. If there
17 are no other matters -- if you'll raise your right hand.
18 Do you solemnly swear or affirm that the testimony you
19 will give at this hearing will be the truth and nothing
20 but the truth?

21 **INMATE MONTENEGRO:** Yes.

22 **PRESIDING COMMISSIONER DAVIS:** All right, thank you.
23 For a summary of the crime, I'm going to refer to the
24 probation officer's report starting on page 2 under the
25 heading of offense. It starts on the first paragraph,
26 where it states that:

27 "On November 13th, 1985, Santa Maria police

1 officers responded to El Conquistador Bar at
2 210 South Bloosser, B-L-O-O-S-S-E-R,
3 Santa Maria, to investigate a shooting.
4 Officers found Antonio Hernandez Cardona,
5 C-A-R-D-O-N-A, age 22, slumped in the right
6 front passenger's seat of an automobile.
7 Officers observed a gunshot wound into the
8 front of his neck. An ambulance was called and
9 he was taken to Maria Medical Center, where he
10 died at 2315 hours. Doctors concluded the
11 victim died as a result of a gunshot wound to
12 the anterior neck slash chest, exiting through
13 the back. A second entry wound in the left
14 shoulder revealed a .44 caliber bullet. The
15 victim was shot three times. Investigations
16 revealed the victim was the alleged boyfriend
17 of Lilliana Beltran, B-E-L-T-R-A-N, and they
18 had been inside the El Conquistador Bar.
19 Ms. Beltran left the bar and went outside to
20 the victim's car. The defendant followed
21 Ms. Beltran out to the car, sat down in the
22 car, and tried to kiss her. The victim came
23 out of the bar with two friends, saw what was
24 going on, and pulled the defendant out of the
25 car. The victim and defendant verbally argued.
26 The defendant pulled a .44 Magnum pistol from
27 his waistband and fired three or four shots

1 into the victim. The defendant fled the area.
2 The defendant told officers upon his arrest he
3 had hidden in a cardboard box in an alley until
4 daylight, had been in Reedley, California, and
5 had gone on to Mexico, and for the past three
6 years had been living in Guadalupe."

7 Under prisoner's version, as listed in the June 2002
8 Board Report, it states that in an interview for the
9 Montenegro -- an interview for this report, Montenegro
10 indicated that his previous interview with staff
11 psychiatrist Cheema, C-H-E-E-M-A, on 1/16/96, he
12 indicated that his present version remained the same.
13 Montenegro stated that he was involved in a fight with
14 an unknown --

15 **DEPUTY COMMISSIONER BLONIEN:** Just a question.
16 Mr. Sparks, you're aware that in the '02 psych report
17 there's a different version.

18 **ATTORNEY SPARKS:** Well, there's probably three
19 versions total.

20 **DEPUTY COMMISSIONER BLONIEN:** Right.

21 **ATTORNEY SPARKS:** So, I'm not sure which one you
22 want to refer to

23 **PRESIDING COMMISSIONER DAVIS:** Well, we're going to
24 refer to all the ones that we have, actually, so we'll
25 have this and plus --

26 **DEPUTY COMMISSIONER BLONIEN:** They're very --

27 **PRESIDING COMMISSIONER DAVIS:** -- we have the psych

1 that we're going to --

2 **DEPUTY COMMISSIONER BLONIEN:** They're very
3 conflicting, and I don't know if he understood when he
4 talked to his counselor and referred to the psych
5 report, he really meant the '96 psych report where he
6 said he had no responsibility, or the '02 psych report
7 where he took full responsibility. And so since this is
8 only his first hearing, for Subsequent Hearing, I know
9 you want the record clear.

10 **ATTORNEY SPARKS:** His statement to me was that he
11 shot the victim.

12 **DEPUTY COMMISSIONER BLONIEN:** So that's in the '02
13 psych report. I believe in the '96 psych report he said
14 he did not.

15 **PRESIDING COMMISSIONER DAVIS:** Why don't we do this,
16 we'll go ahead and go through this part of this, that
17 will give us at least a chronology for now, and when we
18 get to this part of it, and then when we get to the
19 psych report, we'll cover that as well.

20 **DEPUTY COMMISSIONER BLONIEN:** Okay.

21 **PRESIDING COMMISSIONER DAVIS:** So we'll have
22 (inaudible). Is there a third?

23 **ATTORNEY SPARKS:** Maybe, but not right now.

24 **PRESIDING COMMISSIONER DAVIS:** All right. So we'll
25 have at least everything on the record for this time,
26 and then we'll get it from there.

27 **ATTORNEY SPARKS:** Okay.

1 **PRESIDING COMMISSIONER DAVIS:** Montenegro stated he
2 was involved in a fight with an unknown person who was a
3 female, he was sitting in a bar with friends, the
4 subject reports that he, that his friend, shot the
5 victim when the subject's friend saw the victim was
6 going to kill the subject. Montenegro denies that he
7 killed the victim. Montenegro states that his friend
8 killed the person, and he is angry that authorities did
9 not take any action against this person who is
10 reportedly the culprit and is now living in Mexico, in
11 spite that he has given information to the authorities.
12 Montenegro does not take any responsibility for the
13 incident, but states that he deals with the situation
14 differently, by walking away from situations, from the
15 situations again. Montenegro does have, does --
16 Montenegro does not have any remorse for the incident.
17 Montenegro reports that he feels bad that a life was
18 lost in the incident, but reports that the victim would
19 have killed him if the victim was not shot. Montenegro
20 states that initially he took the responsibility for the
21 incident, as he wanted to save his friend, who
22 reportedly, was trying to save the subject, but now
23 feels that he should not have taken responsibility for
24 the crime. And it is clear that there are conflicting
25 reports within the same Board Report, so we'll make sure
26 that we cover all of those, and, as always, if your
27 client would like to change his mind at some point in

1 time and comment to the Board about any of this, we're
2 certainly more than willing to hear him; however, we
3 understand and appreciate that he has an absolute right
4 not to do so.

5 **ATTORNEY SPARKS:** I think when I made my statement
6 about there might be another version is that he was
7 interviewed the last time concerning the crime by the
8 Board of Parole Hearings, and that's where he made a
9 sworn statement under oath, and that's what he would be
10 sticking to, since they don't send me but the summary of
11 the decision, and I didn't go through the C-File to look
12 at that, because after the interview, that's what he was
13 saying to me. That would probably be where his version
14 would be today, that in fact the official statement that
15 he made to the Board of Parole Hearings, at his initial
16 Hearing, would be the one that he would stick with.
17 That's what he informed to me the other day, just
18 recently, with the help of the interpreter. I'm not
19 sure what that one says since I haven't read it, but
20 that would be the one.

21 **PRESIDING COMMISSIONER DAVIS:** We'll pull the
22 transcript and take a look at it. In the interim,
23 however, we'll go through and talk about -- in terms of
24 prior arrests, there are no, there's no indication of a
25 juvenile arrest. And in terms of adult arrests, the
26 only arrest was in 5 of 1992 for driving under the
27 influence. At that time he used the name of Santiago

1 Garcia. Do you recall the arrest in 1992,
2 Mr. Montenegro?

3 **INMATE MONTENEGRO THROUGH INTERPRETER:** Nothing that
4 came to the Board. I told you that I haven't been
5 arrested since '91.

6 **PRESIDING COMMISSIONER DAVIS:** Okay, so the arrest
7 in 1992 using the name of Santiago Garcia is not you?

8 **INMATE MONTENEGRO THROUGH INTERPRETER:** No.

9 **PRESIDING COMMISSIONER DAVIS:** Okay. Personal
10 Factors indicates that you were born in Mexico, you're
11 not married, and have no children? And you are, you are
12 one of six children. In terms of employment, you were
13 employed in a variety of positions including filleting
14 fish; working in, as a fieldworker for harvesting grape
15 crops?

16 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

17 **PRESIDING COMMISSIONER DAVIS:** I find that I have to
18 go through several places to try and find out more about
19 you in this report because it's not very consolidated.
20 You went through three years of grade school in Mexico?

21 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

22 **PRESIDING COMMISSIONER DAVIS:** Did you, was that the
23 extent of your formal education as a young person?

24 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

25 **PRESIDING COMMISSIONER DAVIS:** You were born and
26 raised in Mexico, you came to the United States
27 illegally in 1979?

1 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

2 **PRESIDING COMMISSIONER DAVIS:** And you were 23 at
3 that time, and you came with one of your brothers?

4 **INMATE MONTENEGRO:** Si.

5 **PRESIDING COMMISSIONER DAVIS:** And you would go back
6 and forth to your home, back into the United States
7 working?

8 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

9 **PRESIDING COMMISSIONER DAVIS:** Do you still keep in
10 contact with your family?

11 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

12 **PRESIDING COMMISSIONER DAVIS:** So you do have mostly
13 cards and letters and so forth?

14 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

15 **PRESIDING COMMISSIONER DAVIS:** Okay. It indicates
16 that you began drinking beer at the age of 19, and would
17 drink three or four beers a day, that you really did not
18 drink to, to excess at any time?

19 **INMATE MONTENEGRO THROUGH INTERPRETER:** No.

20 **PRESIDING COMMISSIONER DAVIS:** And in this, this is
21 out of the psych, this is out of the 2002 psychiatric
22 report, and they also, they also indicate a, an arrest
23 for driving under the influence of alcohol in the
24 United States. Were you ever arrested for driving under
25 the influence of alcohol?

26 **INMATE MONTENEGRO THROUGH INTERPRETER:** That was
27 around (inaudible).

1 **PRESIDING COMMISSIONER DAVIS:** Okay. Did you use
2 your correct name at that time?

3 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** No.

4 **PRESIDING COMMISSIONER DAVIS:** What name did you
5 use?

6 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** I think it
7 was Martinez.

8 **PRESIDING COMMISSIONER DAVIS:** Okay. Have you ever
9 been arrested other than that? For anything?

10 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** No.

11 **PRESIDING COMMISSIONER DAVIS:** Okay. You used
12 marijuana for about three or four months.

13 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** Yes.

14 **PRESIDING COMMISSIONER DAVIS:** Okay. You never
15 served in the Armed Forces?

16 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** No.

17 **PRESIDING COMMISSIONER DAVIS:** Let's see, this
18 indicates that you went up to five years in school in
19 Mexico. It's going back to the probation officer's
20 report from some time back. Did you, was it, did you do
21 all of your schooling in Mexico?

22 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** Yes.

23 **PRESIDING COMMISSIONER DAVIS:** And it seems pretty
24 consistent in terms of drinking and so forth. So, did,
25 how many members of your family came north with you?
26 Just your brother?

27 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** Excuse me?

1 **PRESIDING COMMISSIONER DAVIS:** How many people came
2 up to the United States with you? Just your brother?

3 **INMATE MONTENEGRO THROUGH INTERPRETER:** Also one
4 sister and my parents did.

5 **PRESIDING COMMISSIONER DAVIS:** Okay, so they all
6 came up?

7 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

8 **PRESIDING COMMISSIONER DAVIS:** And you stay in
9 contact with them as well?

10 **INMATE MONTENEGRO THROUGH INTERPRETER:** (Inaudible).

11 **PRESIDING COMMISSIONER DAVIS:** Would you describe
12 your, your family life as being fairly normal?

13 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

14 **PRESIDING COMMISSIONER DAVIS:** Anything unusual, no
15 abuse ...

16 **INMATE MONTENEGRO THROUGH INTERPRETER:** No.

17 **PRESIDING COMMISSIONER DAVIS:** Any alcoholism?

18 **INMATE MONTENEGRO THROUGH INTERPRETER:** No. They do
19 drink, but a little.

20 **PRESIDING COMMISSIONER DAVIS:** All right, all the
21 other members of your family doing well, nobody's had a
22 problem with law enforcement?

23 **INMATE MONTENEGRO THROUGH INTERPRETER:** No.

24 **PRESIDING COMMISSIONER DAVIS:** Okay. Good. Is
25 there anything we haven't talk about regarding your
26 prior history, coming into the institution, that is,
27 your social history, your schooling, family life,

1 relations with family or friends, et cetera, that you
2 think is important for the Panel to understand, that we
3 haven't discussed so far?

4 **INMATE MONTENEGRO THROUGH INTERPRETER:** No.

5 **PRESIDING COMMISSIONER DAVIS:** All right.

6 Commissioner, do you have any questions?

7 **DEPUTY COMMISSIONER BLONIEN:** I don't.

8 **PRESIDING COMMISSIONER DAVIS:** Mr. Montenegro, if
9 you think of something as we proceed, if something else
10 comes to mind that you think is important that we
11 understand, please take the opportunity to just let us
12 know what that is. All right. And I'll ask you to turn
13 your attention to me. Commissioner Blonien.

14 **DEPUTY COMMISSIONER BLONIEN:** Mr. Montenegro, it's
15 my job to go over what you do in the institution since
16 your last hearing. I'm going to go over your psych
17 report -- and I read your C-File, I've read the Board
18 report, and I saw you did a review of your C-File, so if
19 I forget anything or miss anything at the end of my
20 presentation, you can -- we'll have a discussion. So,
21 your last hearing was June 18th, of 2002, and the
22 decision was for a four year denial, and the Panel
23 recommended that you become and remain
24 disciplinary-free, upgrade vocationally and
25 educationally, and participate in self-help. So, your
26 classification score is 19, and your custody level is
27 medium A, and 19 is as low as possible for a lifer

18

1 inmate. You, your counselor, Counselor Studebaker
2 (phonetic), completed the report in June of '06, and
3 Dr. William Garmard, G-A-R-M-A-R-D, completed his psych
4 report in March 29th of '02. So, in, in looking at what
5 you've done in the institution, you have remained
6 disciplinary-free, you only have one 115, and that was
7 in 2002, right before your last parole hearing. You did
8 have a 128 on 3/8/04 for contraband. What did you have?

9 **INMATE MONTENEGRO THROUGH INTERPRETER:** A 128,
10 probably, a classification, but I didn't go to work.

11 **DEPUTY COMMISSIONER BLONIEN:** Oh. It talks about a
12 single-edge razor blade, box cutter, inside his assigned
13 locker.

14 **INMATE MONTENEGRO THROUGH INTERPRETER:** That's true;
15 that's another one.

16 **DEPUTY COMMISSIONER BLONIEN:** And then you have one,
17 3/5/02, and that was about reporting to work, and that
18 since you did not get a shower after working, you would
19 not report to work until you showered, is what you said.
20 You got a 128 for that. In total, you have one, two,
21 three, six 128s, which are minor. So when we talk about
22 education, you're talking to the Commissioner, and it
23 was unclear to me whether you had three years of
24 education in Mexico or five years of education.

25 **INMATE MONTENEGRO THROUGH INTERPRETER:** As I recall,
26 it was only three years that I went. I went to school
27 here for about five or six years.

1 **DEPUTY COMMISSIONER BLONIEN:** And you're in a
2 difficult position here because you've been terminated
3 from education, they feel you've worked really hard, but
4 you're as far as you can go. And you haven't attained a
5 sixth grade reading level, so you're not eligible for
6 Vocational Training programs, correct? You know that?

7 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

8 **DEPUTY COMMISSIONER BLONIEN:** So, before you came in
9 here, you were a fish cutter and a mushroom farmer, but
10 you haven't really been able to pick up a vocation here
11 that translates into the community easily. But, you are
12 a worker. You're a very good worker, and since your
13 last hearing, you've been a Porter, and you work in
14 Waste Management now. And I looked at your reports from
15 your supervisor, and every single one since your last
16 hearing says you are excellent in every category, you're
17 on time, you do the job, you're enthusiastic, you're
18 respectful to staff, to other inmates -- so do you enjoy
19 this job?

20 **INMATE MONTENEGRO THROUGH INTERPRETER:** Enjoy the
21 job, yes.

22 **DEPUTY COMMISSIONER BLONIEN:** And did you do
23 Recycling too?

24 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

25 **DEPUTY COMMISSIONER BLONIEN:** So tell me about that.
26 Tell me about your job.

27 **INMATE MONTENEGRO THROUGH INTERPRETER:** What I do

20

1 there, is I clean up the, the lard there, clean the cans
2 where they empty the garbage, somebody asks me, asks me
3 to clean an office, to wax it.

4 **DEPUTY COMMISSIONER BLONIEN:** So, that's a skill
5 that translates into the community, whether you go to
6 California or Mexico. Now you do have a U.S./INS hold
7 on you, correct?

8 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** Yes.

9 **DEPUTY COMMISSIONER BLONIEN:** And after we talk
10 about what you've done in the institution, we're going
11 to talk about your parole plans. You're also very
12 active in AA, and there's chronos in there from your
13 last hearing covering the years '02, '03, '04 -- are you
14 still in AA?

15 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** I'm
16 attending not at this moment, because there's been a lot
17 of lockdown.

18 **DEPUTY COMMISSIONER BLONIEN:** Yeah. And when you
19 attend, do you attend AA in Spanish?

20 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** Yes.

21 **DEPUTY COMMISSIONER BLONIEN:** And I noticed on one
22 of the chronos your sponsor says that you are fully
23 participating, and you're very enthusiastic.

24 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** Yes.

25 **DEPUTY COMMISSIONER BLONIEN:** So you've worked
26 through the steps?

27 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** Not yet, I

1 make some mistakes.

2 **DEPUTY COMMISSIONER BLONIEN:** So, when Commissioner
3 Davis was reading about your crime, and about your
4 history, you said you didn't have a problem with
5 alcohol, that you were a social drinker, but the crime,
6 you know, was committed around a bar atmosphere, and I
7 know you're not talking about the crime, so I don't know
8 how much you were drinking that night, but one of the
9 concerns of the Panel would be if you were in a like
10 situation in a bar in a social atmosphere, if you would
11 have the same bad judgment, and what you've learned
12 inside the institution that would help you make good
13 decisions if you were released to the community. And
14 I'd like you to tell me what you've learned in that
15 area.

16 **INMATE MONTENEGRO THROUGH INTERPRETER:** I didn't
17 understand that.

18 **DEPUTY COMMISSIONER BLONIEN:** We're worried about
19 the circumstances of your crime involved in a bar area.
20 So if released, what have you learned in prison that
21 would keep you from making bad decisions in the
22 community?

23 **INMATE MONTENEGRO THROUGH INTERPRETER:** Well, the
24 time I've been here has taught me -- biggest mistakes I
25 made in my life. And that is attending -- I believe
26 that if I were given a date, a release date, one day
27 that I would never go back to one of those.

1 **DEPUTY COMMISSIONER BLONIEN:** And is there -- like
2 going through AA, people talk about the steps. And they
3 talk about how the steps help them make better
4 decisions. So, since he hasn't worked through any
5 steps, what's going to help him?

6 **INMATE MONTENEGRO THROUGH INTERPRETER:** What would
7 help me is to hear what these people have gone through.

8 **DEPUTY COMMISSIONER BLONIEN:** I know in this
9 institution, there's other programs available, like
10 anger management. Has he tried to go to any of those
11 programs?

12 **INMATE MONTENEGRO THROUGH INTERPRETER:** I know I
13 committed a violent crime. That was in (inaudible).

14 **DEPUTY COMMISSIONER BLONIEN:** I would think there
15 was a lot of anger involved in this crime.

16 **INMATE MONTENEGRO THROUGH INTERPRETER:** (Inaudible).

17 **DEPUTY COMMISSIONER BLONIEN:** He, does he read books
18 in Spanish to himself?

19 **INMATE MONTENEGRO THROUGH INTERPRETER:** Very little,
20 not yet.

21 **DEPUTY COMMISSIONER BLONIEN:** Do you know how to
22 read in Spanish?

23 **INMATE MONTENEGRO THROUGH INTERPRETER:** (Inaudible).

24 **DEPUTY COMMISSIONER BLONIEN:** A little? That could
25 be a problem. How little can you read?

26 **INMATE MONTENEGRO THROUGH INTERPRETER:** To read like
27 this, take about five minutes.

1 **DEPUTY COMMISSIONER BLONIEN:** That, that is
2 difficult. When you were talking to the psych in '02,
3 Dr. Garmard, he stated that you have no mental health
4 issues, you have no mental illness, that you're lucky
5 enough to have no physical illnesses, he doesn't note
6 any drug abuse or alcohol abuse by history or in
7 remission. And he gives you what we call a Global
8 Assessment Functioning score of 85, which means that
9 you're an extremely high functioning inmate and you
10 would be a highly functioning individual in the
11 community if released. In talking -- he talked to you
12 right before you got this 115, and he states that the
13 inmate has not received any 115 violations for violent
14 behavior, and the one 115 that you did have was for
15 refusing to work, which you did. "Therefore, it is felt
16 that he would pose a less than average risk for violence
17 when compared with this (inaudible) inmate population.
18 If released to the community, his violence potential is
19 estimated to be no higher than that of the average
20 citizen in the community." And this is based on the no
21 evidence of previous violent behavior or any violent
22 behavior since your offense. "Although he did flee the
23 scene of the crime and evaded arrest for six years and
24 formerly appeared to lack remorse for his crime, he has
25 since accepted full responsibility." And there, he's
26 alluding to the fact that when he was talking to you
27 about the crime, that during the conversation, the

1 doctor states that you changed your story and
2 admitted -- he said, the doctor said, "However, when
3 more of his own words were quoted back to him, such as
4 his early admission that the gun was his, that he got
5 the gun out of the trunk of his friend's car, that he
6 threw the gun in the grass after the shooting when he
7 fled the scene, he suddenly admitted shooting the
8 victim. When asked why he denied that it had to do with
9 jealousy over the woman, he simply said that he shot the
10 victim after the victim made a verbal threat against
11 him. He then admitted that his mistake was to shot
12 another man over a verbal threat and said he regrets
13 everything that he did. He told about how he had lied
14 in the past, saying that one friend shot the victim in
15 order to protect the inmate from being shot or that his
16 other friend, Pedro, was to be blame, not him. The
17 inmate's sudden honesty in the middle of the BPT
18 evaluation is rare, and he is to be commended for taking
19 full responsibility for his actions." When, we're not
20 going to talk about the crime, but I did want to ask you
21 about remorse for the victim. Do you have a comment?

22 **INMATE MONTENEGRO THROUGH INTERPRETER:** (Inaudible.)

23 **DEPUTY COMMISSIONER BLONIEN:** Do you ever think
24 about the victim's family?

25 **INMATE MONTENEGRO THROUGH INTERPRETER:** Yes.

26 **DEPUTY COMMISSIONER BLONIEN:** In going over what
27 you've been doing in the institution, have I covered

1 everything? So, a typical day for you, you go to work,
2 correct?

3 INMATE MONTENEGRO THROUGH INTERPRETER: Yes.

4 DEPUTY COMMISSIONER BLONIEN: My recorder can't
5 (inaudible). Do you work out?

6 INMATE MONTENEGRO THROUGH INTERPRETER: A little.

7 DEPUTY COMMISSIONER BLONIEN: Do you go to church?

8 INMATE MONTENEGRO THROUGH INTERPRETER: Not really.

9 DEPUTY COMMISSIONER BLONIEN: Do you, what do you
10 do?

11 INMATE MONTENEGRO THROUGH INTERPRETER: I go to work
12 out after working, I go use the shower, wait for dinner.

13 DEPUTY COMMISSIONER BLONIEN: I want to talk to you
14 about your parole plans. I don't see any letters from
15 your family.

16 INMATE MONTENEGRO THROUGH INTERPRETER: (Inaudible).

17 DEPUTY COMMISSIONER BLONIEN: The letters have to be
18 new because four years is a long time and circumstances
19 change. So, if you were deported to Mexico, where would
20 you go?

21 INMATE MONTENEGRO THROUGH INTERPRETER: In Mexico,
22 where my parents have a house in Mexico. And they told
23 me that I could live there as long as I wanted.

24 DEPUTY COMMISSIONER BLONIEN: And do your parents
25 have a ranch?

26 INMATE MONTENEGRO THROUGH INTERPRETER: No, they
27 have a home, but not a ranch.

1 **DEPUTY COMMISSIONER BLONIEN:** And what city?

2 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** Colima.

3 **DEPUTY COMMISSIONER BLONIEN:** Near Manzanillo? Very
4 nice, where the volcanoes are. Very nice. And what
5 would you do for work?

6 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** My thoughts
7 are if I'm released one day is go plant corn, and also
8 raise cattle.

9 **DEPUTY COMMISSIONER BLONIEN:** Where would you get
10 the cattle?

11 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** I would buy
12 them.

13 **DEPUTY COMMISSIONER BLONIEN:** You have a lot of
14 money?

15 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** I don't, but
16 I can by working.

17 **DEPUTY COMMISSIONER BLONIEN:** So do you understand
18 that if we parole you, we need a letter from your family
19 saying that you can live there, that they will help you
20 live until you can get a job, that there are job
21 opportunities there for you, and that their support for
22 you -- because after you've been in prison a long time,
23 to be free you need support to be successful. Do you
24 understand that?

25 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** Yes.

26 **DEPUTY COMMISSIONER BLONIEN:** And if by chance the
27 U.S./INS hold doesn't materialize, where would you live

1 in California?

2 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** I have an
3 aunt who I (inaudible). She would give me a place to
4 work and a place to stay.

5 **DEPUTY COMMISSIONER BLONIEN:** And where does she
6 live?

7 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** Santa Maria.

8 **DEPUTY COMMISSIONER BLONIEN:** So you would need, you
9 know, a letter from her, saying that you could live
10 there, that she'll help you find work, that she'll give
11 you money until you find work. How old are you now?

12 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** Fifty.

13 **DEPUTY COMMISSIONER BLONIEN:** Okay. So you're still
14 a young man, and when you do get out, you'll be able to
15 work. But you'll have to have all this in order. This
16 is your responsibility, because we can't just say we
17 think he's going to Mexico, we have to have
18 verification. And it's a hard job for you to get that
19 verification, so you have to start work on it right
20 away. And then in terms of what you do in the
21 institution, you have to do more. You were given a
22 sentence of life with a possibility of parole, and you
23 have to earn your way out of here. And the way you do
24 it is you work really hard, which you do; you don't get
25 any 115s or 128s, which you're good at; and you go to
26 programs that help you when you're released to make the
27 right decisions. And then you come to Board and you

1 tell us what you've been doing, or you have chronos in
2 your file. So just going to AA is good, but it's not
3 enough. Do you have a question?

4 **INMATE MONTENEGRO THROUGH INTERPRETER:** What other
5 programs do you recommend?

6 **DEPUTY COMMISSIONER BLONIEN:** Well, you have to go
7 out there and see what's available. You talk to all the
8 other inmates that are in your situation that don't
9 speak English so well. I've been here and those inmates
10 do get dates, and you have to ask them what's caused
11 them to be successful. And it's different for every
12 inmate. If I tell you what to do, that's not you making
13 your decision to get you out. But there, there are
14 things out there, and you have the ability to do well.
15 So I hope you'll do that. We also sent out notices to
16 local law enforcement and interested parties, and
17 although I didn't receive any letters, the District
18 Attorney from southwestern Santa Barbara is represented,
19 and at the appropriate time, he will be able to ask you
20 questions and/or make a closing statement. And with
21 that I return to the Chairperson.

22 **PRESIDING COMMISSIONER DAVIS:** All right, thank you.
23 Mr. Montenegro, if we can just try this from a different
24 perspective perhaps, is there one of the steps that
25 you've been working on that you think about or that you
26 find especially appropriate for you?

27 **INMATE MONTENEGRO THROUGH INTERPRETER:** One of the

1 things I like to do is like a (inaudible) hobby card,
2 but they denied it.

3 **PRESIDING COMMISSIONER DAVIS:** Okay. With regard to
4 the Alcoholics Anonymous --

5 **DEPUTY COMMISSIONER BLONIEN:** I need to turn the
6 tape over.

7 [Whereupon, the tape was turned over.]

8 **PRESIDING COMMISSIONER DAVIS:** With regard to
9 Alcoholics Anonymous, is there one of the steps that,
10 that you have been listening to, that you think is
11 especially helpful for you?

12 **INMATE MONTENEGRO THROUGH INTERPRETER:** I don't
13 remember any of them because most of the time
14 (inaudible).

15 **PRESIDING COMMISSIONER DAVIS:** Okay. That may be
16 something that I think you were -- you were given some
17 good advice earlier by, by Commissioner Blonien, and I
18 think that if you want to also follow-up with that idea
19 of maybe committing some of these steps to, maybe not
20 verbatim, but a good understanding of what they mean for
21 you in terms of the crimes, your feeling of remorse for
22 the victim, things that you can, that you can take an
23 active step in, would be helpful for you. All right.
24 Commissioner Blonien, any other questions?

25 **DEPUTY COMMISSIONER BLONIEN:** I don't.

26 **PRESIDING COMMISSIONER DAVIS:** All right. Does the
27 District Attorney have questions?

1 **ATTORNEY CUTLER:** I do not.

2 **PRESIDING COMMISSIONER DAVIS:** Mr. Sparks?

3 **ATTORNEY SPARKS:** No, thank you.

4 **PRESIDING COMMISSIONER DAVIS:** Closing then?

5 **ATTORNEY CUTLER:** Just briefly, this was an
6 extremely stupid case, the only thought he demonstrated
7 was his ability to escape. Now that the Commissioner
8 has quietly eviscerated his plans, i.e., she's exposed
9 the fact that he has modest vocational abilities, albeit
10 a good work ethic; he has modest employment skills;
11 limited employment opportunities, if any; he hasn't
12 taken advantage of the AA program; he has limited
13 literacy; and the picture is painted very grim for a man
14 who, however he wound up in Mexico or found his way back
15 to Santa Maria, could very well find himself back at the
16 dives on Bloosser Street in Santa Maria and committing
17 the same sort of crime that got him in here. I ask that
18 you deny his request. Submitted.

19 **PRESIDING COMMISSIONER DAVIS:** All right, thank you.
20 Mr. Sparks.

21 **ATTORNEY SPARKS:** To his credit, Mr. Montenegro has
22 completed some AA, he does have some contact with the
23 country of origin where deportation is eminent, so the
24 requirement that he complete some form of GED would be
25 nice, but perhaps either unrealistic because of his
26 motivation or unnecessary because of the status that he
27 would have as a foreign citizen. Learning U.S. History

31

1 may not be something relevant for purposes of his status
2 as a foreign national. I understand the Board of Parole
3 Hearings would like to see somebody become all they can
4 be while they're incarcerated -- he was pleasant with
5 the Panel today. He's grown and matured while he's been
6 incarcerated. He's only had one 115 recently, and that
7 was nonviolent. The correctional counselor's report in
8 '02 deemed him to be a low threat. That must mean that
9 he's doing some of the things, institutionally, that
10 would show that he would be a good citizen if released
11 to the community, because he's been a good citizen while
12 incarcerated. This was, in my opinion, an unfortunate
13 set of circumstances that was aggravated by alcohol use
14 and would not likely happen again, particularly if
15 Mr. Montenegro abstained from the use of alcohol. He's
16 talked about his plan of recovery, and has indicated
17 that that's not something he's interested in. And he
18 does have employable skills from institutional work.
19 I'll submit it with that. Thank you.

20 **PRESIDING COMMISSIONER DAVIS:** All right, thank you.
21 Mr. Montenegro, now is your opportunity to address the
22 Panel directly and talk to us about your suitability for
23 parole.

24 **INMATE MONTENEGRO THROUGH INTERPRETER:** Talk to you
25 about what?

26 **PRESIDING COMMISSIONER DAVIS:** About why you feel
27 that you're suitable for a parole.

32

1 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** (Inaudible)
2 if I were to be released, I would go to Mexico and work
3 at a ranch down there.

4 **PRESIDING COMMISSIONER DAVIS:** Is that all, sir?

5 **INMATE MONTENEGRO TRHOUGH INTERPRETER:** Yes.

6 **PRESIDING COMMISSIONER DAVIS:** All right, thank you
7 very much. We will now recess for deliberations.

8 **R E C E S S**

9 **--oOo--**

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

CALIFORNIA BOARD OF PAROLE HEARINGS

D E C I S I O N

DEPUTY COMMISSIONER BLONIEN: We're on record.

PRESIDING COMMISSIONER DAVIS: I want the record to reflect that all those previously identified as being in the room have returned. And this is in the matter of Santiago Montenegro, CDC number H-55090. The Panel reviewed all information received from the public and relied on the following circumstances in concluding that the prisoner is not suitable for a parole and would pose an unreasonable risk to society or a threat to public safety if released from prison. We have come to this conclusion first by the commitment offense: The offense was carried out in an especially callous manner, and the motive for the offense was very trivial in relation to the offense. The conclusion, and these conclusions are drawn from the statement of facts, wherein the prisoner was convicted of the senseless death by use of a firearm of the victim. We find that there is no previous record. With regard to institutional behavior, we find that you have programmed in a limited manner while incarcerated, that you have seven 128(a) counseling chronos, the last of which was in 3 of '05, and one serious 115 disciplinary report, the last of which was -- the only, actually -- occurred in 3 of '02. The psychological report of March 2002 by Dr. Garmard was

supportive, but is dated and does not consider the most recent 115 disciplinary report. With regard to parole plans, we find that you do not have viable residential plans in either the United States or Mexico, and do not have acceptable employment plans in either the United States or Mexico. With regard to the 3042 notices, we note that the District Attorney from Santa Barbara County is here in person by representative, and does oppose parole. Nevertheless, we do want to commend you for your attendance in AA in Spanish and your -- and again, your attendance there -- and your work as a Porter and in Waste Management with excellent work reports for being on time, respectful to staff and inmates. However, these positive aspects of behavior do not outweigh the factors for unsuitability. And in a separate decision, the Hearing Panel finds that you have been convicted of murder, and it is not reasonable to expect that parole would be granted during the next three years. We come to this conclusion first by the commitment offense itself, in that the offense was carried out in an especially callous manner. The motive for the crime was very trivial in relation to your offense. These conclusions are drawn from the statement of facts wherein the prisoner was convicted of the senseless death by use of a firearm of the victim, that you have programmed in a limited manner while

1 incarcerated. Disciplinaries while incarcerated
2 includes seven 128(a)s, the last of which was in 3 of
3 '05, and one serious 115 disciplinary report, the last
4 that occurred in 3 of '02. The psychological report of
5 March 2002 by Dr. Garmard was supportive, but dated, and
6 does not consider the most recent 115. With regard to
7 parole plans, we find that you do not have viable plans
8 for the United States or Mexico, and do not have
9 acceptable employment plans for the United States or
10 Mexico. With regard to 3042 notices, we note that the
11 District Attorney from Santa Barbara County is here in
12 person by representative and does oppose parole. With
13 regard to recommendations, the Panel recommends that you
14 have no more 128s or 115s, and as available, that you
15 upgrade vocationally and educationally. And in terms of
16 education, one of the things we want to recommend to you
17 is that you use your time to, as available, to
18 participate in programs that will help you with your
19 reading or being, with your comprehension, your ability
20 to retain what you read. Work on things that have to do
21 with your AA or that you can begin to assimilate or
22 remember those steps so that you can use those in your
23 day to day decision-making process and can come to a
24 future panel where you can discuss how the, what you
25 have learned, either in your AA or in anger management.
26 Certainly this Panel is not here to offer or to promote
27 **S. MONTENEGRO H-55090 DECISION PAGE 3 8/16/06**

36

1 one program over another, but any other programs that
2 you do participate in -- that you would be able to come
3 to a Panel and be able to talk to that Panel about what
4 you've learned and how that has made a difference in
5 your decision-making and how that will keep you from
6 committing any types of crimes. When you do ultimately
7 receive a date -- and as available, that you participate
8 in self-help, and that you continue to earn positive
9 chronos. And the Panel has recommended that a new
10 psychological report be completed, and that as part of
11 that report that they also review your ability to learn
12 and retain information. Commissioner, is there anything
13 you would like to add?

14 **DEPUTY COMMISSIONER BLONIEN:** Yes, you're going to
15 get a copy of this Board decision. You have one of your
16 friends read it to you. And you concentrate on what you
17 said to this Panel. And do a better job. Good luck.

18 **PRESIDING COMMISSIONER DAVIS:** All right. We wish
19 you the best of luck, sir. We are adjourned.

20 ---oOo---

21

22

23 **PAROLE DENIED THREE YEARS**

24 **THIS DECISION WILL BE FINAL ON: December 14, 2006**

25 **YOU WILL BE PROMPTLY NOTIFIED IF, PRIOR TO THAT**

26 **DATE, THE DECISION IS MODIFIED.**

27 **S. MONTENEGRO H-55090 DECISION PAGE 4 8/16/06**


37

**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, Don Larson, a duly designated transcriber, VINE, MCKINNON & HALL, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 - 36, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, at SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of SANTIAGO MONTENEGRO, CDC No. H-55090, on AUGUST 16, 2006, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated NOVEMBER 10, 2006, at Sacramento County, California.



Don Larson
Transcriber
VINE, MCKINNON & HALL